

## **ENGROSSED HOUSE BILL No. 1241**

DIGEST OF HB 1241 (Updated March 15, 2005 1:41 pm - DI 106)

Citations Affected: IC 10-13; IC 33-37.

**Synopsis:** DNA samples from felons. Requires a person convicted of: (1) a felony; (2) conspiracy to commit a felony; or (3) attempt to commit a felony; to provide a DNA sample to the department of correction or a sheriff. Establishes the DNA sample processing fund for the purpose the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA database program. Provides that the mistaken placement of a DNA sample in the database does not invalidate a conviction based on the DNA sample. Imposes a DNA sample processing fee of \$1 to be collected in certain criminal, infraction, and ordinance violation actions. Provides for a distribution of money to the DNA sample processing fund. Makes technical corrections.

Effective: July 1, 2005; January 1, 2006.

# Harris T, Behning, Turner, Lawson L, Klinker, Pond

(SENATE SPONSORS — ZAKAS, BRAY)

January 6, 2005, read first time and referred to Committee on Courts and Criminal Code. January 13, 2005, reported — Do Pass; referred to Committee on Ways and Means pursuant to Rule 127.

February 14, 2005, amended, reported — Do Pass.
February 17, 2005, read second time, ordered engrossed.
February 18, 2005, engrossed.
February 21, 2005, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 24, 2005, read first time and referred to Committee on Corrections, Criminal, and

Civil Matters.

March 17, 2005, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1241

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- SECTION 1. IC 10-13-6-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9.5. (a) The DNA sample processing fund is established for the purpose of funding the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA data base program under this chapter. The fund shall be administered by the superintendent.
- (b) The expenses of administering the fund shall be paid from money in the fund.
- (c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.
- (d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.
- SECTION 2. IC 10-13-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 10. (a) This section applies to the following:

EH 1241—LS 7611/DI 107+



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1	(1) A person convicted of a felony under IC 35-42 (offenses
2	against the person) or IC 35-43-2-1 (burglary): or IC 35-42-4-6
3	(child solicitation):
4	(A) after June 30, 1996, whether or not the person is sentenced
5	to a term of imprisonment; and or
6	(B) before July 1, 1996, if the person is held in jail or prison
7	on or after July 1, 1996.
8	(2) A person convicted of a criminal law in effect before October
9	1, 1977, that penalized an act substantially similar to a felony
10	described in IC 35-42 or IC 35-43-2-1 or that would have been an
11	included offense of a felony described in IC 35-42 or
12	IC 35-43-2-1 if the felony had been in effect:
13	(A) after June 30, 1998, whether or not the person is sentenced
14	to a term of imprisonment; and or
15	(B) before July 1, 1998, if the person is held in jail or prison
16	on or after July 1, 1998.
17	(3) A person convicted of a felony, conspiracy to commit a
18	felony, or attempt to commit a felony:
19	(A) after June 30, 2005, whether or not the person is
20	sentenced to a term of imprisonment; or
21	(B) before July 1, 2005, if the person is held in jail or
22	prison on or after July 1, 2005.
23	(b) A person described in subsection (a) shall provide a DNA
24	sample to the:
25	(1) department of correction or the designee of the department of
26	correction if the offender is committed to the department of
27	correction; or
28	(2) county sheriff or the designee of the county sheriff if the
29	offender is held in a county jail or other county penal facility,
30	placed in a community corrections program (as defined in
31	IC 35-38-2.6-2), or placed on probation.
32	A <del>convicted</del> person is not required to submit a blood sample if doing
33	so would present a substantial and an unreasonable risk to the person's
34	health.
35	(c) The detention, arrest, or conviction of a person based on a
36	data base match or data base information is not invalidated if a
37	court determines that the DNA sample was obtained or placed in
38	the Indiana DNA data base by mistake.
39	SECTION 3. IC 33-37-4-1, AS AMENDED BY P.L.85-2004,
40	SECTION 16, AND AS AMENDED BY P.L.95-2004, SECTION 4, IS
41	CORRECTED AND AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2005]: Sec. 1. (a) For each action that results in



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1	a felony conviction under IC 35-50-2 or a misdemeanor conviction
2	under IC 35-50-3, the clerk shall collect from the defendant a criminal
3	costs fee of one hundred twenty dollars (\$120).
4	(b) In addition to the criminal costs fee collected under this section,
5	the clerk shall collect from the defendant the following fees if they are
6	required under IC 33-37-5:
7	(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
8	IC 33-37-5-4).
9	(2) A marijuana eradication program fee (IC 33-37-5-7).
10	(3) An alcohol and drug services program user fee
11	(IC 33-37-5-8(b)).
12	(4) A law enforcement continuing education program fee
13	(IC 33-37-5-8(c)).
14	(5) A drug abuse, prosecution, interdiction, and correction fee
15	(IC 33-37-5-9).
16	(6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
17	(7) A child abuse prevention fee (IC 33-37-5-12).
18	(8) A domestic violence prevention and treatment fee
19	(IC 33-37-5-13).
20	(9) A highway work zone fee (IC 33-37-5-14).
21	(10) A deferred prosecution fee (IC 33-37-5-17).
22	(11) A document storage fee (IC 33-37-5-20).
23	(12) An automated record keeping fee (IC 33-37-5-21).
24	(13) A late payment fee (IC 33-37-5-22).
25	(14) A sexual assault victims assistance fee (IC 33-37-5-23).
26	(15) A judicial administration fee <del>under</del> (IC 33-37-5-21.2).
27	<del>(15)</del> <b>(16)</b> A judicial insurance adjustment fee <del>under</del>
28	(IC 33-37-5-25).
29	(17) A DNA sample processing fee (IC 33-37-5-26.2).
30	(c) Instead of the criminal costs fee prescribed by this section, the
31	clerk shall collect a pretrial diversion program fee if an agreement
32	between the prosecuting attorney and the accused person entered into
33	under IC 33-39-1-8 requires payment of those fees by the accused
34	person. The pretrial diversion program fee is:
35	(1) an initial user's fee of fifty dollars (\$50); and
36	(2) a monthly user's fee of ten dollars (\$10) for each month that
37	the person remains in the pretrial diversion program.
38	(d) The clerk shall transfer to the county auditor or city or town
39	fiscal officer the following fees, not later than thirty (30) days after the
40	fees are collected:
41	(1) The pretrial diversion fee.
42	(2) The marijuana eradication program fee.



1	(3) The alcohol and drug services program user fee.
2	(4) The law enforcement continuing education program fee.
3	The auditor or fiscal officer shall deposit fees transferred under this
4	subsection in the appropriate user fee fund established under
5	IC 33-37-8.
6	(e) Unless otherwise directed by a court, if a clerk collects only part
7	of a criminal costs fee from a defendant under this section, the clerk
8	shall distribute the partial payment of the criminal costs fee as follows:
9	(1) The clerk shall apply the partial payment to general court
10	costs.
11	(2) If there is money remaining after the partial payment is
12	applied to general court costs under subdivision (1), the clerk
13	shall distribute the remainder of the partial payment for deposit in
14	the appropriate county user fee fund.
15	(3) If there is money remaining after distribution under
16	subdivision (2), the clerk shall distribute the remainder of the
17	partial payment for deposit in the state user fee fund.
18	(4) If there is money remaining after distribution under
19	subdivision (3), the clerk shall distribute the remainder of the
20	partial payment to any other applicable user fee fund.
21	(5) If there is money remaining after distribution under
22	subdivision (4), the clerk shall apply the remainder of the partial
23	payment to any outstanding fines owed by the defendant.
24	SECTION 4. IC 33-37-4-2, AS AMENDED BY P.L.85-2004,
25	SECTION 17, AND AS AMENDED BY P.L.95-2004, SECTION 5, IS
26	CORRECTED AND AMENDED TO READ AS FOLLOWS
27	[EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as provided in
28	subsections (d) and (e), for each action that results in a judgment:
29	(1) for a violation constituting an infraction; or
30	(2) for a violation of an ordinance of a municipal corporation (as
31	defined in IC 36-1-2-10);
32	the clerk shall collect from the defendant an infraction or ordinance
33	violation costs fee of seventy dollars (\$70).
34	(b) In addition to the infraction or ordinance violation costs fee
35	collected under this section, the clerk shall collect from the defendant
36	the following fees, if they are required under IC 33-37-5:
37	(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
38	IC 33-37-5-4).
39	(2) An alcohol and drug services program user fee
40	(IC 33-37-5-8(b)).
41	(3) A law enforcement continuing education program fee



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(IC 33-37-5-8(c)).

1	(4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
2	(5) A highway work zone fee (IC 33-37-5-14).
3	(6) A deferred prosecution fee (IC 33-37-5-17).
4	(7) A jury fee <del>(IC 33-19-6-17).</del> (IC 33-37-5-19).
5	(8) A document storage fee (IC 33-37-5-20).
6	(9) An automated record keeping fee (IC 33-37-5-21).
7	(10) A late payment fee (IC 33-37-5-22).
8	(11) A judicial administration fee <del>under</del> (IC 33-37-5-21.2).
9	(11) (12) A judicial insurance adjustment fee under
10	(IC 33-37-5-25).
11	(13) A DNA sample processing fee (IC 33-37-5-26.2).
12	(c) The clerk shall transfer to the county auditor or fiscal officer of
13	the municipal corporation the following fees, not later than thirty (30)
14	days after the fees are collected:
15	(1) The alcohol and drug services program user fee
16	(IC 33-37-5-8(b)).
17	(2) The law enforcement continuing education program fee
18	(IC 33-37-5-8(c)).
19	(3) The deferral program fee (subsection (e)).
20	The auditor or fiscal officer shall deposit the fees in the user fee fund
21	established under IC 33-37-8.
22	(d) The defendant is not liable for any ordinance violation costs fee
23	in an action if all the following apply:
24	(1) The defendant was charged with an ordinance violation
25	subject to IC 33-36.
26	(2) The defendant denied the violation under IC 33-36-3.
27	(3) Proceedings in court against the defendant were initiated
28	under IC 34-28-5 (or IC 34-4-32 before its repeal).
29	(4) The defendant was tried and the court entered judgment for
30	the defendant for the violation.
31	(e) Instead of the infraction or ordinance violation costs fee
32	prescribed by subsection (a), the clerk shall collect a deferral program
33	fee if an agreement between a prosecuting attorney or an attorney for
34	a municipal corporation and the person charged with a violation
35	entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal)
36	requires payment of those fees by the person charged with the
37	violation. The deferral program fee is:
38	(1) an initial user's fee not to exceed fifty-two dollars (\$52); and
39	(2) a monthly user's fee not to exceed ten dollars (\$10) for each
40	month the person remains in the deferral program.
41	(f) The fees prescribed by this section are costs for purposes of
42	IC 34-28-5-4 IC 34-28-5-5 and may be collected from a defendant



1	against whom judgment is entered. Any penalty assessed is in addition
2	to costs.
3	SECTION 5. IC 33-37-4-3, AS AMENDED BY P.L.85-2004,
4	SECTION 18, AND AS AMENDED BY P.L.95-2004, SECTION 6, IS
5	CORRECTED AND AMENDED TO READ AS FOLLOWS
6	[EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The clerk shall collect a
7	juvenile costs fee of one hundred twenty dollars (\$120) for each action
8	filed under any of the following:
9	(1) IC 31-34 (children in need of services).
10	(2) IC 31-37 (delinquent children).
11	(3) IC 31-14 (paternity).
12	(b) In addition to the juvenile costs fee collected under this section,
13	the clerk shall collect the following fees, if they are required under
14	IC 33-37-5:
15	(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
16	IC 33-37-5-4).
17	(2) A marijuana eradication program fee (IC 33-37-5-7).
18	(3) An alcohol and drug services program user fee
19	(IC 33-37-5-8(b)).
20	(4) A law enforcement continuing education program fee
21	(IC 33-37-5-8(c)).
22	(5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
23	(6) A document storage fee (IC 33-37-5-20).
24	(7) An automated record keeping fee (IC 33-37-5-21).
25	(8) A late payment fee (IC 33-37-5-22).
26	(9) A judicial administration fee <del>under</del> (IC 33-37-5-21.2).
27	<del>(9)</del> (10) A judicial insurance adjustment fee <del>under</del>
28	(IC 33-37-5-25).
29	(11) A DNA sample processing fee (IC 33-37-5-26.2).
30	(c) The clerk shall transfer to the county auditor or city or town
31	fiscal officer the following fees not later than thirty (30) days after they
32	are collected:
33	(1) The marijuana eradication program fee (IC 33-37-5-7).
34	(2) The alcohol and drug services program user fee
35	(IC 33-37-5-8(b)).
36	(3) The law enforcement continuing education program fee
37	(IC 33-37-5-8(c)).
38	The auditor or fiscal officer shall deposit the fees in the appropriate
39	user fee fund established under IC 33-37-8.
40	SECTION 6. IC 33-37-5-26.2 IS ADDED TO THE INDIANA
41	CODE AS A <b>NEW</b> SECTION TO READ AS FOLLOWS
42	[EFFECTIVE JULY 1, 2005]: Sec. 26.2. In each action in which a



1	person is:	
2	(1) convicted of an offense;	
3	(2) required to pay a pretrial diversion fee;	
4	(3) found to have committed an infraction; or	
5	(4) found to have violated an ordinance;	
6	the clerk shall collect a DNA sample processing fee of one dollar	
7	(\$1).	
8	SECTION 7. IC 33-37-7-2, AS AMENDED BY P.L.85-2004,	
9	SECTION 25, AND AS AMENDED BY P.L.95-2004, SECTION 13,	4
10	IS CORRECTED AND AMENDED TO READ AS FOLLOWS	
11	[EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The clerk of a circuit court	
12	shall distribute semiannually to the auditor of state as the state share for	
13	deposit in the state general fund seventy percent (70%) of the amount	
14	of fees collected under the following:	
15	(1) IC 33-37-4-1(a) (criminal costs fees).	
16	(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).	4
17	(3) IC 33-37-4-3(a) (juvenile costs fees).	
18	(4) IC 33-37-4-4(a) (civil costs fees).	
19	(5) IC 33-37-4-6(a)(1) (small claims costs fees).	
20	(6) IC 33-37-4-7(a) (probate costs fees).	
21	(7) IC 33-37-5-17 (deferred prosecution fees).	
22	(b) The clerk of a circuit court shall distribute semiannually to the	
23	auditor of state for deposit in the state user fee fund established in	
24	IC 33-37-9-2 the following:	
25	(1) Twenty-five percent (25%) of the drug abuse, prosecution,	
26	interdiction, and correction fees collected under	
27	IC 33-37-4-1(b)(5).	
28	(2) Twenty-five percent (25%) of the alcohol and drug	1
29	countermeasures fees collected under IC 33-37-4-1(b)(6),	
30	IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).	
31	(3) Fifty percent (50%) of the child abuse prevention fees	
32	collected under IC 33-37-4-1(b)(7).	
33	(4) One hundred percent (100%) of the domestic violence	
34	prevention and treatment fees collected under IC 33-37-4-1(b)(8).	
35	(5) One hundred percent (100%) of the highway work zone fees	
36	collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).	
37	(6) One hundred percent (100%) of the safe schools fee collected	
38	under IC 33-37-5-18.	
39	(7) One hundred percent (100%) of the automated record keeping	
40	fee (IC 33-37-5-21).	
41	(c) The clerk of a circuit court shall distribute monthly to the county	
42	auditor the following:	



1	(1) Seventy-five percent (75%) of the drug abuse, prosecution,	
2	interdiction, and correction fees collected under	
3	IC 33-37-4-1(b)(5).	
4	(2) Seventy-five percent (75%) of the alcohol and drug	
5	countermeasures fees collected under IC 33-37-4-1(b)(6),	
6	IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).	
7	The county auditor shall deposit fees distributed by a clerk under this	
8	subsection into the county drug free community fund established under	
9	IC 5-2-11.	
10	(d) The clerk of a circuit court shall distribute monthly to the county	1
11	auditor fifty percent (50%) of the child abuse prevention fees collected	
12	under IC 33-37-4-1(b)(7). The county auditor shall deposit fees	
13	distributed by a clerk under this subsection into the county child	
14	advocacy fund established under IC 12-17-17.	
15	(e) The clerk of a circuit court shall distribute monthly to the county	
16	auditor one hundred percent (100%) of the late payment fees collected	4
17	under IC 33-37-5-22. The county auditor shall deposit fees distributed	
18	by a clerk under this subsection as follows:	
19	(1) If directed to do so by an ordinance adopted by the county	
20	fiscal body, the county auditor shall deposit forty percent (40%)	
21	of the fees in the clerk's record perpetuation fund established	I
22	under IC 33-37-5-2 and sixty percent (60%) of the fees in the	
23	county general fund.	
24	(2) If the county fiscal body has not adopted an ordinance	
25	described in subdivision (1), the county auditor shall deposit all	
26	the fees in the county general fund.	
27	(f) The clerk of the circuit court shall distribute semiannually to the	1
28	auditor of state for deposit in the sexual assault victims assistance fund	
29	established by IC 16-19-13-6 one hundred percent (100%) of the sexual	
30	assault victims assistance fees collected under IC 33-37-5-23.	
31	(g) The clerk of a circuit court shall distribute monthly to the county	
32	auditor the following:	
33	(1) One hundred percent (100%) of the support and maintenance	
34	fees for cases designated as non-Title IV-D child support cases in	
35	the Indiana support enforcement tracking system (ISETS)	
36	collected under IC 33-37-5-6.	
37	(2) The percentage share of the support and maintenance fees for	
38	cases designated as IV-D child support cases in ISETS collected	
39	under IC 33-37-5-6 that is reimbursable to the county at the	
40	federal financial participation rate.	

The county clerk shall distribute monthly to the office of the secretary

of family and social services the percentage share of the support and



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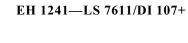
1	maintenance fees for cases designated as Title IV-D child support cases
2	in ISETS collected under IC 33-37-5-6 that is not reimbursable to the
3	county at the applicable federal financial participation rate.
4	(h) The clerk of a circuit court shall distribute monthly to the county
5	auditor one hundred percent (100%) of the small claims service fee
6	under IC 33-37-4-6(a)(2) for deposit in the county general fund.
7	(i) The clerk of a circuit court shall semiannually distribute to the
8	auditor of state for deposit in the state general fund one hundred
9	percent (100%) of the judicial administration fee collected under
10	IC 33-37-5-21.2.
11	(i) (j) The clerk of a circuit court shall semiannually distribute to
12	the auditor of state for deposit in the judicial branch insurance
13	adjustment account established by IC 33-38-5-8.2 one hundred percent
14	(100%) of the judicial insurance adjustment fee collected under
15	IC 33-37-5-25.
16	(j) This section applies after June 30, 2005.
17	(k) The clerk of a circuit court shall semiannually distribute to
18	the auditor of state for deposit in the state general fund one
19	hundred percent (100%) of the DNA sample processing fee
20	collected under IC 33-37-5-26.2.
21	SECTION 8. IC 33-37-7-8, AS AMENDED BY P.L.85-2004,
22	SECTION 27, AND AS AMENDED BY P.L.95-2004, SECTION 15,
23	IS CORRECTED AND AMENDED TO READ AS FOLLOWS
24	[EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The clerk of a city or town
25	court shall distribute semiannually to the auditor of state as the state
26	share for deposit in the state general fund fifty-five percent (55%) of
27	the amount of fees collected under the following:
28	(1) IC 33-37-4-1(a) (criminal costs fees).
29	(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
30	(3) IC 33-37-4-4(a) (civil costs fees).
31	(4) IC 33-37-4-6(a)(1) (small claims costs fees).
32	(5) IC 33-37-5-17 (deferred prosecution fees).
33	(b) The city or town fiscal officer shall distribute monthly to the
34	county auditor as the county share twenty percent (20%) of the amount
35	of fees collected under the following:
36	(1) IC 33-37-4-1(a) (criminal costs fees).
37	(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
38	(3) IC 33-37-4-4(a) (civil costs fees).
39	(4) IC 33-37-4-6(a)(1) (small claims costs fees).
40	(5) IC 33-37-5-17 (deferred prosecution fees).
41	(c) The city or town fiscal officer shall retain twenty-five percent

(25%) as the city or town share of the fees collected under the



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1	following:
2	(1) IC 33-37-4-1(a) (criminal costs fees).
3	(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
4	(3) IC 33-37-4-4(a) (civil costs fees).
5	(4) IC 33-37-4-6(a)(1) (small claims costs fees).
6	(5) IC 33-37-5-17 (deferred prosecution fees).
7	(d) The clerk of a city or town court shall distribute semiannually to
8	the auditor of state for deposit in the state user fee fund established in
9	IC 33-37-9 the following:
10	(1) Twenty-five percent (25%) of the drug abuse, prosecution,
11	interdiction, and corrections fees collected under
12	IC 33-37-4-1(b)(5).
13	(2) Twenty-five percent (25%) of the alcohol and drug
14	countermeasures fees collected under IC 33-37-4-1(b)(6),
15	IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
16	(3) One hundred percent (100%) of the highway work zone fees
17	collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
18	(4) One hundred percent (100%) of the safe schools fee collected
19	under IC 33-37-5-18.
20	(5) One hundred percent (100%) of the automated record keeping
21	fee (IC 33-37-5-21).
22	(e) The clerk of a city or town court shall distribute monthly to the
23	county auditor the following:
24	(1) Seventy-five percent (75%) of the drug abuse, prosecution,
25	interdiction, and corrections fees collected under
26	IC 33-37-4-1(b)(5).
27	(2) Seventy-five percent (75%) of the alcohol and drug
28	countermeasures fees collected under IC 33-37-4-1(b)(6),
29	IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
30	The county auditor shall deposit fees distributed by a clerk under this
31	subsection into the county drug free community fund established under
32	IC 5-2-11.
33	(f) The clerk of a city or town court shall distribute monthly to the
34	city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
35	percent (100%) of the late payment fees collected under IC 33-37-5-22.
36	The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
37	fees distributed by a clerk under this subsection in the city or town
38	general fund.
39	(g) The clerk of a city or town court shall semiannually distribute
40	to the auditor of state for deposit in the state general fund one hundred
41	percent (100%) of the judicial administration fee collected under
42	IC 33-37-5-21.2.





1	(g) (h) The clerk of a city or town court shall semiannually
2	distribute to the auditor of state for deposit in the judicial branch
3	insurance adjustment account established by IC 33-38-5-8.2 one
4	hundred percent (100%) of the judicial insurance adjustment fee
5	collected under IC 33-37-5-25.
6	(h) This section applies after June 30, 2005.
7	(i) The clerk of a city or town court shall semiannually
8	distribute to the auditor of state for deposit in the state general
9	fund one hundred percent (100%) of the DNA sample processing
10	fee collected under IC 33-37-5-26.2.
11	SECTION 9. IC 33-37-7-9 IS AMENDED TO READ AS
12	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) On June 30 and
13	on December 31 of each year, the auditor of state shall transfer to the
14	treasurer of state six seven million seven hundred four thirty-nine
15	thousand two hundred fifty-seven dollars $(\$6,704,257)$ (\\$7,039,257) for
16	distribution under subsection (b).
17	(b) On June 30 and on December 31 of each year the treasurer of
18	state shall deposit into:
19	(1) the family violence and victim assistance fund established by
20	IC 12-18-5-2 an amount equal to <del>eleven</del> ten and <del>eight-hundredths</del>
21	fifty-six hundredths percent $(11.08\%)$ ; $(10.56\%)$ ;
22	(2) the Indiana judges' retirement fund established by
23	IC 33-38-6-12 an amount equal to twenty-five twenty-four and
24	twenty-one two hundredths percent $(25.21\%)$ ; $(24.02\%)$ ;
25	(3) the law enforcement academy building fund established by
26	IC 5-2-1-13 an amount equal to three and fifty-two thirty-six
27	hundredths percent (3.52%); (3.36%);
28	(4) the law enforcement training fund established by IC 5-2-1-13
29	an amount equal to fourteen thirteen and nineteen-hundredths
30	fifty-two hundredths percent $(14.19\%)$ ; $(13.52\%)$ ;
31	(5) the violent crime victims compensation fund established by
32	IC 5-2-6.1-40 an amount equal to sixteen fifteen and
33	fifty-hundredths seventy-two hundredths percent (16.50%);
34	(15.72%);
35	(6) the motor vehicle highway account an amount equal to
36	twenty-six twenty-five and ninety-five sixty-seven hundredths
37	percent <del>(26.95%);</del> <b>(25.67%)</b> ;
38	(7) the fish and wildlife fund established by IC 14-22-3-2 an
39	amount equal to thirty-two hundredths thirty-one hundredths of
40	one percent <del>(0.32%);</del> <b>(0.31%)</b> ; <del>and</del>
41	(8) the Indiana judicial center drug and alcohol programs fund
42	established by IC 12-23-14-17 for the administration.



1	certification, and support of alcohol and drug services programs	
2	under IC 12-23-14 an amount equal to two and twenty-three	
3	thirteen hundredths percent (2.23%); (2.13%); and	
4	(9) the DNA sample processing fund established under	
5	IC 10-13-6-9.5 for the funding of the collection, shipment,	
6	analysis, and preservation of DNA samples and the conduct of	
7	a DNA data base program under IC 10-13-6 an amount equal	
8	to four and seventy-one hundredths percent (4.71%);	
9	of the amount transferred by the auditor of state under subsection (a).	
10	(c) On June 30 and on December 31 of each year, the auditor of	
11	state shall transfer to the treasurer of state for deposit into the public	
12	defense fund established under IC 33-40-6-1:	
13	(1) after June 30, 2004, and before July 1, 2005, one million	
14	seven hundred thousand dollars (\$1,700,000); and	
15	(2) after June 30, 2005, two million two hundred thousand dollars	
16	(\$2,200,000).	
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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1241, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ULMER, Chair

Committee Vote: yeas 12, nays 0.

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#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1241, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE JANUARY 1, 2006]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 10-13-6-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9.5. (a) The DNA sample processing fund is established for the purpose of funding the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA data base program under this chapter. The fund shall be administered by the superintendent.

- (b) The expenses of administering the fund shall be paid from money in the fund.
- (c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.
- (d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.".

Page 2, after line 20, begin a new paragraph and insert:

"SECTION 3. IC 33-37-4-1, AS AMENDED BY P.L.85-2004, SECTION 16, AND AS AMENDED BY P.L.95-2004, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

- (b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-37-5:
  - (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
  - (2) A marijuana eradication program fee (IC 33-37-5-7).
  - (3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
  - (4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
  - (5) A drug abuse, prosecution, interdiction, and correction fee



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- (IC 33-37-5-9).
- (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (7) A child abuse prevention fee (IC 33-37-5-12).
- (8) A domestic violence prevention and treatment fee (IC 33-37-5-13).
- (9) A highway work zone fee (IC 33-37-5-14).
- (10) A deferred prosecution fee (IC 33-37-5-17).
- (11) A document storage fee (IC 33-37-5-20).
- (12) An automated record keeping fee (IC 33-37-5-21).
- (13) A late payment fee (IC 33-37-5-22).
- (14) A sexual assault victims assistance fee (IC 33-37-5-23).
- (15) A judicial administration fee under (IC 33-37-5-21.2).
- (15) (16) A judicial insurance adjustment fee under (IC 33-37-5-25).
- (17) A DNA sample processing fee (IC 33-37-5-26).
- (c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person. The pretrial diversion program fee is:
  - (1) an initial user's fee of fifty dollars (\$50); and
  - (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.
- (d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the fees are collected:
  - (1) The pretrial diversion fee.
  - (2) The marijuana eradication program fee.
  - (3) The alcohol and drug services program user fee.
  - (4) The law enforcement continuing education program fee.

The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user fee fund established under IC 33-37-8.

- (e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:
  - (1) The clerk shall apply the partial payment to general court costs.
  - (2) If there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the remainder of the partial payment for deposit in the appropriate county user fee fund.

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- (3) If there is money remaining after distribution under subdivision (2), the clerk shall distribute the remainder of the partial payment for deposit in the state user fee fund.
- (4) If there is money remaining after distribution under subdivision (3), the clerk shall distribute the remainder of the partial payment to any other applicable user fee fund.
- (5) If there is money remaining after distribution under subdivision (4), the clerk shall apply the remainder of the partial payment to any outstanding fines owed by the defendant.

SECTION 4. IC 33-37-4-2, AS AMENDED BY P.L.85-2004, SECTION 17, AND AS AMENDED BY P.L.95-2004, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

- (1) for a violation constituting an infraction; or
- (2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

- (b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees, if they are required under IC 33-37-5:
  - (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
  - (2) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
  - (3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
  - (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
  - (5) A highway work zone fee (IC 33-37-5-14).
  - (6) A deferred prosecution fee (IC 33-37-5-17).
  - (7) A jury fee <del>(IC 33-19-6-17).</del> (IC 33-37-5-19).
  - (8) A document storage fee (IC 33-37-5-20).
  - (9) An automated record keeping fee (IC 33-37-5-21).
  - (10) A late payment fee (IC 33-37-5-22).
  - (11) A judicial administration fee under (IC 33-37-5-21.2).
  - (11) (12) A judicial insurance adjustment fee under (IC 33-37-5-25).
  - (13) A DNA sample processing fee (IC 33-37-5-26).
- (c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, not later than thirty (30) days after the fees are collected:

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- (1) The alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (2) The law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (3) The deferral program fee (subsection (e)).

The auditor or fiscal officer shall deposit the fees in the user fee fund established under IC 33-37-8.

- (d) The defendant is not liable for any ordinance violation costs fee in an action if all the following apply:
  - (1) The defendant was charged with an ordinance violation subject to IC 33-36.
  - (2) The defendant denied the violation under IC 33-36-3.
  - (3) Proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal).
  - (4) The defendant was tried and the court entered judgment for the defendant for the violation.
- (e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:
  - (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
  - (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.
- (f) The fees prescribed by this section are costs for purposes of IC 34-28-5-4 IC 34-28-5-5 and may be collected from a defendant against whom judgment is entered. Any penalty assessed is in addition to costs.

SECTION 5. IC 33-37-4-3, AS AMENDED BY P.L.85-2004, SECTION 18, AND AS AMENDED BY P.L.95-2004, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

- (1) IC 31-34 (children in need of services).
- (2) IC 31-37 (delinquent children).
- (3) IC 31-14 (paternity).
- (b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

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- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A marijuana eradication program fee (IC 33-37-5-7).
- (3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (6) A document storage fee (IC 33-37-5-20).
- (7) An automated record keeping fee (IC 33-37-5-21).
- (8) A late payment fee (IC 33-37-5-22).
- (9) A judicial administration fee under (IC 33-37-5-21.2).
- $\frac{(9)}{(10)}$  (10) A judicial insurance adjustment fee under (IC 33-37-5-25).
- (11) A DNA sample processing fee (IC 33-37-5-26).
- (c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:
  - (1) The marijuana eradication program fee (IC 33-37-5-7).
  - (2) The alcohol and drug services program user fee (IC 33-37-5-8(b)).
  - (3) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

The auditor or fiscal officer shall deposit the fees in the appropriate user fee fund established under IC 33-37-8.

SECTION 6. IC 33-37-5-26 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 26. In each action in which a person is:** 

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have committed an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a DNA sample processing fee of one dollar (\$1).

SECTION 7. IC 33-37-7-2, AS AMENDED BY P.L.85-2004, SECTION 25, AND AS AMENDED BY P.L.95-2004, SECTION 13, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

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- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).
- (b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:
  - (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
  - (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
  - (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
  - (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
  - (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
  - (6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
  - (7) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).
- (c) The clerk of a circuit court shall distribute monthly to the county auditor the following:
  - (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
  - (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

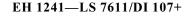
- (d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.
  - (e) The clerk of a circuit court shall distribute monthly to the county













auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

- (1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.
- (2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.
- (f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance fund established by IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.
- (g) The clerk of a circuit court shall distribute monthly to the county auditor the following:
  - (1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-37-5-6.
  - (2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

- (h) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(2) for deposit in the county general fund.
- (i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-37-5-21.2.
- (i) (j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

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- (j) This section applies after June 30, 2005.
- (k) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the DNA sample processing fee collected under IC 33-37-5-26.

SECTION 8. IC 33-37-7-8, AS AMENDED BY P.L.85-2004, SECTION 27, AND AS AMENDED BY P.L.95-2004, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).
- (b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:
  - (1) IC 33-37-4-1(a) (criminal costs fees).
  - (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
  - (3) IC 33-37-4-4(a) (civil costs fees).
  - (4) IC 33-37-4-6(a)(1) (small claims costs fees).
  - (5) IC 33-37-5-17 (deferred prosecution fees).
- (c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:
  - (1) IC 33-37-4-1(a) (criminal costs fees).
  - (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
  - (3) IC 33-37-4-4(a) (civil costs fees).
  - (4) IC 33-37-4-6(a)(1) (small claims costs fees).
  - (5) IC 33-37-5-17 (deferred prosecution fees).
- (d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:
  - (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).
  - (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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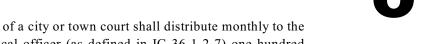


- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (5) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).
- (e) The clerk of a city or town court shall distribute monthly to the county auditor the following:
  - (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).
  - (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

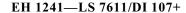
- (f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.
- (g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-37-5-21.2.
- (g) (h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.
  - (h) This section applies after June 30, 2005.
- (i) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the DNA sample processing fee collected under IC 33-37-5-26.

SECTION 9. IC 33-37-7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state six seven million seven hundred four thirty-nine thousand two hundred fifty-seven dollars (\$6,704,257) (\$7,039,257) for











distribution under subsection (b).

- (b) On June 30 and on December 31 of each year the treasurer of state shall deposit into:
  - (1) the family violence and victim assistance fund established by IC 12-18-5-2 an amount equal to eleven ten and eight-hundredths fifty-six hundredths percent (11.08%); (10.56%);
  - (2) the Indiana judges' retirement fund established by IC 33-38-6-12 an amount equal to twenty-five twenty-four and twenty-one two hundredths percent (25.21%); (24.02%);
  - (3) the law enforcement academy building fund established by IC 5-2-1-13 an amount equal to three and fifty-two thirty-six hundredths percent (3.52%); (3.36%);
  - (4) the law enforcement training fund established by IC 5-2-1-13 an amount equal to fourteen thirteen and nineteen-hundredths fifty-two hundredths percent (14.19%); (13.52%);
  - (5) the violent crime victims compensation fund established by IC 5-2-6.1-40 an amount equal to sixteen fifteen and fifty-hundredths seventy-two hundredths percent (16.50%); (15.72%);
  - (6) the motor vehicle highway account an amount equal to twenty-six twenty-five and ninety-five sixty-seven hundredths percent (26.95%); (25.67%);
  - (7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to thirty-two hundredths thirty-one hundredths of one percent (0.32%); (0.31%); and
  - (8) the Indiana judicial center drug and alcohol programs fund established by IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to two and twenty-three thirteen hundredths percent (2.23%); (2.13%); and
  - (9) the DNA sample processing fund established under IC 10-13-6-9.5 for the funding of the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA data base program under IC 10-13-6 an amount equal to four and seventy-one hundredths percent (4.71%);

of the amount transferred by the auditor of state under subsection (a).

- (c) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state for deposit into the public defense fund established under IC 33-40-6-1:
  - (1) after June 30, 2004, and before July 1, 2005, one million seven hundred thousand dollars (\$1,700,000); and
  - (2) after June 30, 2005, two million two hundred thousand dollars



C





(\$2,200,000).".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1241 as printed January 14, 2005.)

ESPICH, Chair

Committee Vote: yeas 20, nays 0.

C

0

p



### SENATE MOTION

Madam President: I move that Senator Zakas be removed as second sponsor of Engrossed House Bill 1241.

**ZAKAS** 

## SENATE MOTION

Madam President: I move that Senator Bray be removed as sponsor of Engrossed House Bill 1241 and that Senator Zakas be substituted therefor.

C

BRAY

#### SENATE MOTION

Madam President: I move that Senator Bray be added as second sponsor of Engrossed House Bill 1241.

ZAKAS

p



#### COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1241, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 34 and 35, begin a new paragraph and insert:

"(c) The detention, arrest, or conviction of a person based on a data base match or data base information is not invalidated if a court determines that the DNA sample was obtained or placed in the Indiana DNA data base by mistake.".

Page 3, line 25, delete "(IC 33-37-5-26)." and insert "(IC 33-37-5-26.2).".

Page 4, line 42, after "fee" strike "(IC".

Page 5, line 7, delete "(IC 33-37-5-26)." and insert "(IC 33-37-5-26.2).".

Page 6, line 25, delete "(IC 33-37-5-26)." and insert "(IC 33-37-5-26.2).".

Page 6, line 36, delete "IC 33-37-5-26" and insert "IC 33-37-5-26.2".

Page 6, line 38, delete "Sec. 26." and insert "Sec. 26.2.".

Page 9, line 15, delete "IC 33-37-5-26" and insert "IC 33-37-5-26.2".

Page 11, line 5, delete "IC 33-37-5-26" and insert "IC 33-37-5-26.2".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1241 as printed February 15, 2005.)

LONG, Chairperson

Committee Vote: Yeas 7, Nays 0.









